

AN ORDINANCE 99808

CONSENTING TO THE INSTALLATION BY CENTEX HOMES, INC., AS PETITIONER, OF A TEMPORARY WATER MAIN [TWELVE INCH (12"), 575 LINEAR FEET] WITHIN A CITY OF SAN ANTONIO VARIABLE WIDTH DRAINAGE PUBLIC RIGHT OF WAY, LOCATED BEHIND FIELDSTONE SUBDIVISION IN COUNCIL DISTRICT 8, FOR THE TOTAL CONSIDERATION OF \$3,070.00 AND SUBJECT TO THE PETITIONER OBTAINING ANY OTHER NECESSARY APPROVALS.

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WHEREAS, Petitioner **Centex Homes, Inc.** has requested consent to the installation of a twelve (12") inch water main line 575 feet long, within a City of San Antonio variable width drainage Public Right of Way located behind Fieldstone Subdivision, to avoid removal of several large oak trees in the proposed sixteen foot easement along Northside Independent School District (NISD) west property line adjacent to the drainage area; and

WHEREAS, Petitioner's request has been circulated through all interested City departments and utility agencies and Petitioner has agreed to the conditions and/or restrictions imposed by the City Development Services Department and the San Antonio Water System through a Letter Agreement signed on August 12, 2004; and

WHEREAS, the request was considered at the regular meeting of the Planning Commission held on September 22, 2004 and, the Commission has recommended to the City Council approval of such request; then the City Council, at its regular meeting on September 30, 2004, approved this request; **NOW THEREFORE**;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Consent by the City of San Antonio, to the installation of a temporary water main, is hereby given for installation of a twelve inch (12"), 575 linear foot water main line within a City of San Antonio variable width drainage Right of Way, located behind Fieldstone Subdivision, as further shown on Exhibit A affixed hereto and incorporated herein verbatim for all purposes, as requested by **Petitioner Centex Homes, Inc.**, for the consideration of \$3,070.00, subject to Petitioner's obtaining any other necessary approvals for such installation.

SECTION 2. The City Manager or designee is hereby authorized to execute any and all other legal documents if and only if deemed necessary by the City Attorney's Office, to facilitate the closing of these properties.

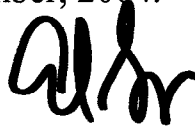
SECTION 3. The City acknowledges receipt from Petitioner of the \$3,070.00 consideration; however, such consent to installation of the water main is contingent upon **Centex Homes, Inc.** ("Centex") agreeing to the conditions set forth in a Letter of Agreement, a copy of which, signed on behalf of Centex Homes, Inc. dated August 12, 2004, is affixed hereto and incorporated herein verbatim for all purposes as Exhibit B and the execution of a definitive agreement within forty-five days from the effective date of this ordinance providing for the installation, operation, maintenance, removal, and contingencies in the event of the discontinuance of operations of the water line by Centex.

SECTION 4. The \$3,070.00 consideration shall be deposited into Fund 29-008 entitled "Miscellaneous Special Revenue Fund," Index Code 040337 entitled "Sale of Land."

SECTION 5. The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The director may, subject to concurrence by the City Manager or the City Manager's designee, correct allocation to specific index codes and fund numbers as necessary to carry out the purpose of this Ordinance.

SECTION 6. This ordinance shall be effective on the 10th day of October, 2004.

PASSED AND APPROVED this 30th day of September, 2004.



M A Y O R

EDWARD D. GARZA

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney